

# Notice of Allowability

Application No.

10/803,753

Examiner

Geoffrey L. Knable

Applicant(s)

FORNEY ET AL.

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## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Interview of 3-28-2007.
2. ☒ The allowed claim(s) is/are 1-28.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 3-28-2007.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### EXAMINER'S AMENDMENT

1. An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on March 28, 2007, Steven W. Benintendi requested an extension of time for TWO (2) MONTHS and authorized the Director to charge Deposit Account No. 23-3000 the required fee of \$450 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the claims:

Claims 1, 15 and 25 have been amended as follows:

1. (Currently Amended) A non-pneumatic tire comprising:  
a toroidal-shaped tube having inner and outer circumferential surfaces interconnected by opposite side surfaces to collectively form a hollow chamber therebetween, said tube comprising ~~at least two~~ four or more openings independently located proximate the inner circumferential surface; and  

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a circumferentially continuous solid fill ~~composition~~ disposed in the hollow chamber of the tube,[[:]]

wherein each of the openings is adapted to receive ~~the solid fill composition so~~  
~~as to fill~~ such that the fill composition extends along the entire circumference of the  
hollow chamber of the tube and forms the circumferentially continuous solid fill.

15. (Currently Amended) A non-pneumatic tire comprising:

a toroidal-shaped tube having inner and outer circumferential surfaces  
interconnected by opposite side surfaces to collectively form a hollow chamber  
therebetween, said tube comprising a number of independent openings ranging from 4  
to 12 with each opening spaced at locations proximate the inner circumferential surface;  
and

a circumferentially continuous solid fill ~~composition~~ disposed in the hollow  
chamber of the tube, the solid fill ~~composition~~ having a surface Durometer hardness of  
greater than about 60, as measured by Shore A;

wherein each of the openings is adapted to receive ~~the solid fill composition so~~  
~~as to fill~~ such that the fill composition extends along the entire circumference of the  
hollow chamber of the tube and forms the circumferentially continuous solid fill.

25. (Currently Amended) A non-pneumatic tire comprising:

a toroidal-shaped rubber tube having inner and outer circumferential surfaces  
interconnected by opposite side surfaces to collectively form a hollow chamber  
therebetween, said tube comprising a number of independent rectangular openings  
ranging from 4 to 12, each opening having a width ranging from about 0.3 inches to

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about 0.5 inches and a length ranging from about 0.6 inches to about 0.8 inches, the openings being substantially equidistantly spaced along the interior circumferential surface; an outer diameter ranging from about 8 inches to about 20 inches, an inner diameter ranging from about 2 inches to about 16 inches; an outer circumferential surface having a width ranging from about 2 inches to about 6 inches; and a height measured radially between the outer and inner circumferential surfaces ranging from about 2 inches to about 6 inches; and

a circumferentially continuous solid polyurethane foam fill ~~composition~~ disposed in the hollow chamber of the tube, said solid polyurethane foam fill ~~composition~~ having a surface Durometer hardness in the range from about 68 to about 75, as measured by Shore A<sub>1</sub>

wherein each of the openings is adapted to receive fill composition such that the fill composition extends along the entire circumference of the hollow chamber of the tube and forms the circumferentially continuous solid polyurethane foam fill.

### Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance:

The claims are allowable over the closest prior art for substantially the reasons of record, the above noted amendments being proposed by the examiner to more clearly define over the Schragin (US 1,503,432) patent. In particular, it is noted that the Schragin tire can arguably be said to include a "fill" that is circumferentially continuous when viewed with inclusion of the pieces "c", these pieces being insertable through the

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openings in such a way that a continuous solid fill would be formed (although these pieces are in fact shaping pieces that are removed in the final tire). However, Schragin would not teach or render obvious a non-pneumatic tire as claimed including four or more openings defined as claimed with a circumferentially continuous solid fill and wherein each of the openings is adapted to receive fill composition such that the fill composition extends along the entire circumference of the hollow chamber of the tube and forms the circumferentially continuous solid fill.

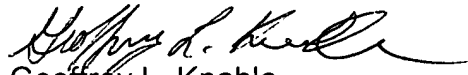
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Geoffrey L. Knable  
Primary Examiner  
Art Unit 1733

G. Knable  
March 29, 2007